

REMARKS

Claims 1 through 21 were presented for examination and remain pending in the present application upon entry of the instant amendment.

Applicants note with appreciation the indication of allowable subject matter in claims 7 through 9 and 17. Accordingly, claim 7 has been amended to incorporate the elements of claim 4 and, thus, claims 7 through 9 are in condition for allowance. In addition, claim 17 has been amended to incorporate the elements of claim 10 and, thus, is also in condition for allowance.

Claims 1 through 6, 10 through 16, and 18 through 21 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,043,156 to Pernick (Pernick).

Independent claim 1 now recites that the knitted section terminates at a knit stitch.

In contrast, Pernick teaches a knitted garment blank having a seamless knitted tubular body section 14 and a pair of oppositely spaced front and rear seamless knitted non-tubular body panels 16 and 18. The circumferential extent of panel 16 decreases by steps 16a from its widest part at 16b to its narrowest part at 16c and then continues without change in width, as at 16d, to its end at 16e. Similarly, the circumferential extent of panel 18 decreases gradually by steps 18a from its widest part at 18b to its narrowest part at 18c and then continues without change in width, as at 18d, to its end at 18e. The edges of panels 16, 18 are not selvedged and each have

short fringe-like lengths or floats of yarn at 16f, 18f, respectively. See col. 2, lines 9-54. A suitable elastic trimming, such as shown at 26, may then be sewn in place around each of the two leg openings by stitches 28 which will also serve to enclose floats 16f, 18f therein. The stitches 28 will also reduce the tendency of the edges of panels 16, 18 and of body section 14 to ravel. Id. at lines 61-67.

Thus, the blank of Pernick terminates in floats of yarn that require trimming to reduce the tendency of the panels to unravel. It is respectfully submitted that the knitted section that terminates at a knit stitch as recited by claim 1 is not disclosed or suggested by the unraveling floats of Pernick.

Accordingly, claim 1 is believed to be in condition for allowance. Claims 2, 3, and 12 are also believed to be in condition for allowance for at least the reason that they depend from the aforementioned claim 1.

Reconsideration and withdrawal of the rejection to claims 1 through 3 and 12 are respectfully requested.

Applicants respectfully traverse the rejection of independent claim 4 over Pernick. Independent claim 4 recites that "said maximum length and said minimum length form a ratio defined by said maximum length divided by said minimum length, and wherein said ratio is in a range that includes about 4.0 to about 1.0".

The outstanding Office Action, citing *In re Boesch*, asserts that it would have been obvious to provide the claimed ratio since it has been held that discovering an optimum value

of a result effective variable involves only routine skill.

Applicants respectfully traverse the assertion that the claimed ratio is a result effective variable and, thus, assert that the holding of *In re Boesch* is not applicable to the ratio of claim 4.

A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977) (The claimed wastewater treatment device had a tank volume to contractor area of 0.12 gal./sq. ft. The prior art did not recognize that treatment capacity is a function of the tank volume to contractor ratio, and therefore the parameter optimized was not recognized in the art to be a result-effective variable.)

It is respectfully submitted that Pernick does not disclose or suggest the importance of the ratio of the maximum length to the minimum length nor the particular ranges, i.e., about 4.0 to about 1.0, as recited by claim 4. Specifically, it is submitted that the claimed ratio was not recognized or suggested by Pernick to achieve a desired result and, thus, was not recognized to be a result-effective variable.

As such, it is submitted that the claimed ratio and the optimization of the ratio to about 4.0 to about 1.0 as recited by claim 4 are not disclosed or suggested by Pernick.

Accordingly, claim 4 is believed to be in condition for

allowance. Claims 5 and 6 are also believed to be in condition for allowance for at least the reason that they depend from the aforementioned claim 4.

Reconsideration and withdrawal of the rejection to claims 4 through 6 are respectfully requested.

Independent claim 10 now recites that the length of each of the plurality of yarns is substantially uniform with regard to a remainder of the plurality of yarns so that the fringe does not necessitate any trimming.

Again, Pernick teaches a knitted garment blank having a seamless knitted tubular body section 14 and a pair of oppositely spaced front and rear seamless knitted non-tubular body panels 16 and 18. The edges of panels 16, 18 are not selvedged and each have short fringe-like lengths or floats of yarn at 16f, 18f, respectively. See col. 2, lines 9-54. Further, Pernick teaches that such floats are then removed by being cut along the line 34a, generally parallel to the stepped fabric edge of panel 16, to provide a blank which may then be fashioned into the garment of FIG. 2. See col. 4, lines 27-31.

It is respectfully submitted that the length yarns that are substantially uniform with regard to a remainder of the plurality of yarns so that the fringe does not necessitate any trimming, as recited by claim 10, is not disclosed or suggested by the floats of Pernick, which clearly must be cut.

Accordingly, claim 10 is believed to be in condition for allowance. Claims 11, 13 through 16, and 18 through 21 are also believed to be in condition for allowance for at least the

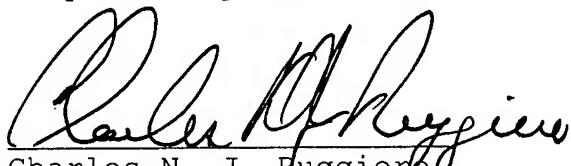
reason that they depend from the aforementioned claim 10.

Reconsideration and withdrawal of the rejection to claims 10, 11, 13 through 16, and 18 through 21 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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